

### **IC 8-15-3**

#### **Chapter 3. Tollways**

### **IC 8-15-3-1**

#### **"Cost" defined**

Sec. 1. As used in this chapter, "cost" (as applied to a tollway or any part of a tollway) includes the following:

- (1) The cost of construction, including bridges over or under other public roads and railroads.
- (2) The cost of acquisition of all real property, rights-of-way, rights, easements, and interests acquired by the department for construction.
- (3) The cost of demolishing or removing any building or structure on acquired real property, including the cost of acquiring any real property to which buildings or structures may be moved.
- (4) The cost of diverting highways, interchanges of highways, and access roads to private property, including the cost of real property or easements.
- (5) The cost of all machinery and equipment.
- (6) The cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, and estimates of costs and revenues.
- (7) Other expenses that are necessary or incidental to the construction, reconstruction, or conversion of the tollway and the placing of the tollway in operation.
- (8) Administrative expenses.
- (9) Any obligation or expense incurred by the department for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a tollway under this chapter.
- (10) The repayment of a grant from a federal agency that the department itself is authorized to repay under section 19 of this chapter in connection with a tollway.
- (11) The cost of conversion of a state highway to a tollway under IC 8-23-7-22.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.135.*

### **IC 8-15-3-2**

#### **"Department" defined**

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.136.*

### **IC 8-15-3-3**

#### **"Owner" defined**

Sec. 3. As used in this chapter, "owner" includes any individual, partnership, association, limited liability company, or corporation

having title or interest in any property right, easement, or interest acquired by this chapter.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.8-1993, SEC.146.*

#### **IC 8-15-3-4**

##### **"Public road" defined**

Sec. 4. As used in this chapter, "public road" includes any public highway, road, and street in the state (including any toll road or tollway), whether maintained by the state, a county, a city, a town, or any other political subdivision or body corporate and politic separate from the state but exercising powers constituting essential government functions.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-5**

##### **"Revenue" defined**

Sec. 5. As used in this chapter, "revenue" means any toll, rental, gift, grant, appropriation, money, or other funds or property coming into the possession or under the control of the department under this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-6**

##### **"State highway" defined**

Sec. 6. As used in this chapter, "state highway" means a public road for which the department is responsible under IC 8-23-2-4.1(4).

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.1-2002, SEC.37.*

#### **IC 8-15-3-7**

##### **"Tollway" defined**

Sec. 7. As used in this chapter, "tollway" means an express highway, superhighway, or motor way constructed under this chapter or converted to a tollway under IC 8-23-7-22. The term includes any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, tollhouse, service station, or administration, storage, or other buildings or facilities that the department considers necessary or desirable for the operation of the tollway. The term also includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of a tollway, including any section, which is separately designated by name or number.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.137.*

#### **IC 8-15-3-8**

##### **"Transient lodging facility" defined**

Sec. 8. As used in this chapter, "transient lodging facility" means accommodations for overnight or temporary habitation. The term includes a hotel, motel, motor court, lodge, or inn.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-9**

#### **Location of tollway; approval; powers of department**

Sec. 9. (a) The governor must approve the location of any tollway.

(b) The department may construct, reconstruct, maintain, repair, police, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may develop, construct, reconstruct, improve, or maintain public improvements such as roads and streets, sewer lines, and water lines, if these improvements are adjacent to a tollway.

(d) The department may construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that interchanges with a tollway or intersects with a road or street that interchanges with a tollway.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-10**

#### **Conversion of state highway to tollway**

Sec. 10. The department (subject to complying with IC 8-23-7-22) may convert a state highway to a tollway.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.138.*

### **IC 8-15-3-11**

#### **Rules; use of tollways and streets**

Sec. 11. The department may establish rules for the use of tollways, public improvements, or arterial streets or roads.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-12**

#### **Fixing and collecting tolls**

Sec. 12. The department may fix, revise, charge, and collect tolls for transit over each tollway the department constructs or converts from a state highway to a tollway under IC 8-23-7-22.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.139.*

### **IC 8-15-3-13**

#### **Acquisition of property**

Sec. 13. The department may acquire in the name of the state, by purchase or otherwise, on the terms and conditions and in the manner that the department considers proper or by the exercise of the right of condemnation as prescribed by this chapter, that public or private property (including public parks, playgrounds, or reservations, including parts of them or rights in them, rights-of-way, property rights, easements, and interests) that the department considers necessary for carrying out this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-14**

##### **Sale, transfer, or conveyance of property**

Sec. 14. The department may sell, transfer, and convey any real property, any interest in real property, or any part of real property (whether acquired by purchase, condemnation, or otherwise, and whether the land or interest had been public or private) when it is no longer needed for purposes of this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-15**

##### **Transfer of property to tollway**

Sec. 15. The department may transfer to the tollway any real property or interest in real property acquired by it under IC 8-23-7 or otherwise that is necessary or convenient for the construction and operation of any tollway or as otherwise required under this chapter.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.140.*

#### **IC 8-15-3-16**

##### **Ingress and egress points**

Sec. 16. (a) Except as provided in subsection (b), the department may designate the locations and establish, limit, and control points of ingress and egress from each tollway as necessary or desirable to:

- (1) ensure the proper operation and maintenance of the tollway;
- (2) prohibit entrance to the tollway from any point that is not designated as an entrance; and
- (3) provide for and permit the interconnection of a tollway with a toll road that is leased or operated by the department.

(b) The department may not grant ingress to or egress from any tollway, service area, or toll collection area having direct access to the tollway for the operation of transient lodging facilities, including the service areas on which are located service stations and restaurants and toll plazas and paved parts of the right-of-way.

(c) The department shall erect, at its cost, at all points of ingress and egress, large and suitable signs facing traffic from each direction on the tollway. These signs must designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities having a population of at least five thousand (5,000) within a distance of seventy-five (75) miles on the roads of ingress or egress, and the distance in miles to those designated municipalities.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-17**

##### **Contracts; agreements**

Sec. 17. The department may make and enter into all contracts and agreements necessary or incidental to the performance of the department's duties and the execution of the department's powers under this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-18**

#### **Employees**

Sec. 18. The department may employ consulting engineers, superintendents, managers, other engineers, construction and accounting experts, attorneys (with the approval of the attorney general), and other employees and agents necessary to carry out this chapter and fix their compensation.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-19**

#### **Grants; aid; contributions**

Sec. 19. The department may receive and accept from any federal agency, subject to IC 8-9.5-6-1, grants for or in aid of the construction of any tollway, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which those grants or contributions are made. The department shall repay any grant from a federal agency, if a repayment is necessary to free the department from restrictions that the department determines to be in the public interest to remove.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-20**

#### **Expenditures or loans for public improvements**

Sec. 20. The department may establish fees, charges, terms, or conditions for any expenditures, loans, or other form of financial participation in connection with public improvements on arterial streets and roads that are financed with tollway funds.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-21**

#### **Acceptance of gifts, bequests, loans, or revenue sharing**

Sec. 21. The department may accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance from any source and agree to and comply with conditions attached to it.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-22**

#### **Power of department**

Sec. 22. (a) The department has any power with respect to tollways that it has in connection with state highways.

(b) The department may do all acts and things necessary or proper to carry out this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-23**

#### **Exercise of power; exemption from taxation or assessments**

Sec. 23. (a) The exercise of the powers granted by this chapter must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department constitutes the performance of essential governmental functions, the department is not required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter or upon the income from a tollway.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-24**

##### **Tolls and charges; fixing and collecting; deposits**

Sec. 24. (a) Except as provided in subsection (b), the department may:

- (1) fix, revise, charge, and collect tolls for:
  - (A) the use of a tollway or any part of a tollway, including the right-of-way adjoining the paved part of the tollway; and
  - (B) placing on a tollway or part of a tollway telephone, telegraph, electric light, or power lines; and
- (2) fix the terms, conditions, and rates of charge for use of a tollway.

(b) A toll or charge may not be made by the department for the following:

- (1) The operation of temporary lodging facilities located upon or adjacent to a tollway.
- (2) Placing in, on, along, over, or under a tollway any telephone, telegraph, electric light, or power lines, equipment, or facilities that are necessary to serve establishments located on the tollway or that are necessary to interconnect any public utility facilities on one (1) side of the tollway with those on the other side.

(c) Tollway tolls that are collected shall be deposited in a special fund so that the tolls from each tollway project may be accounted for and used only for the purposes of operating and maintaining the facility from which the tolls were collected.

(d) The department shall fix the tolls for a tollway so that, to the extent feasible, the tolls for any class of traffic are substantially uniform according to the mileage between interchanges. A reduced rate of toll is not allowed within a class except through the use of commutation or other tickets or privileges based upon frequency or volume of use.

*As added by P.L.386-1987(ss), SEC.13.*

#### **IC 8-15-3-25**

##### **Preservation of contracts**

Sec. 25. All contracts executed by the department shall be preserved in the principal office of the department.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-26**

#### **Rules; traffic control; property protection; law enforcement access**

Sec. 26. (a) The department may adopt rules under IC 4-22-2 for the following:

- (1) The control and regulation of traffic on a tollway.
- (2) The protection and preservation of property under the department's jurisdiction and control.
- (3) The maintenance and preservation of good order within the property under the department's control.

(b) Rules adopted under this chapter must provide that law enforcement officers be afforded ready access, while in the performance of their official duties, to all property under the department's jurisdiction without the payment of tolls.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-27**

#### **Adoption of rules; traffic controls**

Sec. 27. Notwithstanding IC 9, the department may adopt rules under IC 4-22-2 for the following:

- (1) Establishing weight and size limitations for vehicles using a tollway, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights must apply to the department in writing for an application for a special hauling permit. The application must be received at least seven (7) days before the time of desired entry. A permit, if granted, shall be given to the applicant in duplicate, properly completed, and numbered. The driver of the vehicle must have a copy to present to the toll attendant on duty at the point of entry to the tollway.

(B) The department shall assess a fee for issuing a special hauling permit. In assessing the fee, the department shall take into consideration the following factors:

- (i) The administrative cost of issuing the permit.
- (ii) The potential damage the vehicle represents to the project.
- (iii) The potential safety hazard the vehicle represents.

- (2) Establishing the speed at which a vehicle may be driven on a tollway, including a minimum speed and a maximum speed not in excess of the maximum provided in IC 9 for the interstate defense network of dual highways.

- (3) Designating one-way traffic lanes on a tollway.

- (4) Determining the manner of operation of vehicles entering and leaving traffic lanes on a tollway.

- (5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing vehicles on a tollway.

- (6) Determining the establishment and enforcement of traffic control signs and signals for vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and

interchanges on a tollway.

(7) Determining the limitation of entry to and exit from a tollway to designated entrances and exits.

(8) Determining the limitation on use of a tollway by pedestrians and aircraft and by vehicles of a type specified in the rules.

(9) Regulating commercial activity on tollways, including the following:

(A) The offering or display of goods or services for sale.

(B) The posting, distributing, or displaying of signs, advertisements, or other printed or written material.

(C) The operation of a mobile or stationary public address system.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.40-2000, SEC.1; P.L.23-2001, SEC.1.*

### **IC 8-15-3-28**

#### **Violations of rule; size and weight violations**

Sec. 28. (a) A person who violates a rule adopted under section 27 of this chapter commits a Class C infraction.

(b) A violation of a weight limitation established by rule under section 27 of this chapter is:

(1) a Class B infraction if the total of all excess weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; or

(2) a Class A infraction if the total of all excess weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation that the total of all excess weight under that limitation is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violates a size or weight limitation for a period of not more than ninety (90) days. Upon the conviction of a person for a violation of a weight or size limitation, the court may recommend suspension of a current chauffeur's license only if the violation is committed knowingly.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-29**

#### **Condition and repair of tollways**

Sec. 29. Each tollway shall be maintained and kept in good condition and repair by the department.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-30**

#### **Restoration or repair of damaged property**

Sec. 30. All public and private property damaged or destroyed in carrying out this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made for it.



*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-31**

#### **Lease, grant, or conveyance of property by political subdivision or public agency**

Sec. 31. Notwithstanding any other law, each county, city, town, township, and other political subdivision and public agency of the state may lease, lend, grant, or convey to the state at the request of the department, upon reasonable and fair terms and conditions, and without the necessity for an advertisement, order of court, or other formal action (other than the regular and formal action of the departments concerned), any real property for the purposes of this chapter.

*As added by P.L.386-1987(ss), SEC.13.*

### **IC 8-15-3-32**

#### **Conversion of tollways to state highways**

Sec. 32. The department may, after issuing an order and after receiving the governor's approval, at any time determine that a tollway under its jurisdiction should become a part of the system of state highways free of tolls.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.141.*

### **IC 8-15-3-33**

#### **Studies of tollway; additional interchanges**

Sec. 33. (a) The department may expend any funds available for the study of a tollway and may use the department's engineering and other resources, including consulting engineers and traffic engineers, to conduct this study.

(b) The department shall make studies of the feasibility of construction of additional interchanges along tollways near population and traffic generating centers. These studies shall be made by consulting engineers and traffic engineers who are retained by the department in connection with its other duties under this chapter.

*As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.142.*